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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,071	07/30/2001	Jessie B. Linyear	LIN-001	2558

7590

02/25/2003

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EXAMINER

DUDDING, ALFRED E

ART UNIT

PAPER NUMBER

2853

DATE MAILED: 02/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/918,071

Applicant(s)

LINYEAR ET AL.

Examiner

Alfred E. Dudding

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 December 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9 and 10 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1- 7, 9, and 10 are rejected under 35 U.S.C. 102(n) as being anticipated by Nelson et al. (U.S. 5,568,158 A).

Nelson et al. disclose a keyboard covering and copy holding apparatus comprising a top plate member having downward extending left and right side panels, Figure 3, element 50 (top member having side panels, clearly seen); and a bottom plate member having upward extending left and right side panels, Figure 3, elements 51 and 52 (left and right side panels); wherein each upward extending left and right side panel of said bottom plate member is pivotably engaged with each respective downward extending left and right side panel of said top plate member, such that said top plate member is rotatable with respect to said bottom plate member about a pivot axis passing through said upward extending left and right side panels of said bottom plate member and said downward extending left and right side panels of said top plate member, Figure 2, top member closed, Figure 3, top member open.

Nelson et al. disclose:

- at least one flange extending downward from a back portion of said top plate member, Figure 5, element 117 and 119
- at least one flange extending upward from a front portion of said bottom plate

member extending left and right side panel and each upward extending left and right side panel has at least one bore disposed therein., Figure 3, clearly seen,

- wherein each downward extending left and right side panel is pivotably engaged with each respective upward extending left and right side panel with at least one fastener positioned in an operable relationship through each bore, Figures 2 and 3, clearly seen,
- wherein each upward extending left and right side panel of the bottom plate member is pivotably engaged with each respective downward extending left and right side panel of said top plate member with a fastener, Figures 2 and 3, clearly seen,
- wherein said fastener is selected from the group consisting of a screw; a wing nut; a snap lock; a bolt; a tongue and groove; a rivet; a hook; a post; a clip; a plug; an anchor; a peg; a binder; a catch; a clamp; a clasp; a dowel; a pin; and a cleat, Figure 13 discloses a pin.
- wherein said top plate member is adapted to rotate about said pivot axis between a first closed position facing and substantially parallel to said bottom plate member, Figure 2, element 50 in closed position, and a second open position substantially perpendicular to said bottom plate member, Figure 3, element 50 in substantially vertical position with reference to the bottom plate member.

Nelson et al. discloses a contact sensitive display screen, element 43 column 3, lines 17 –

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al. (U.S. 5,568,358 A in view of Barnett (U.S. 4,449,763 A),.

Nelson et al. disclose a keyboard covering and copy holding apparatus comprising a top plate member having downward extending left and right side panels, Figure 3, element 50 (top member having side panels, clearly seen); and a bottom plate member having upward extending left and right side panels, Figure 3, elements 51 and 52 (left and right side panels); wherein each upward extending left and right side panel of said bottom plate member is pivotably engaged with each respective downward extending left and right side panel of said top plate member, such that said top plate member is rotatable with respect to said bottom plate member about a pivot axis passing through said upward extending left and right side panels of said bottom plate

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member and said downward extending left and right side panels of said top plate member, Figure 2, top member closed, Figure 3, top member open.

Nelson et al. disclose:

- at least one flange extending downward from a back portion of said top plate member, Figure 5, elements 117 and 119
- at least one flange extending upward from a front portion of said bottom plate member extending left and right side panel and each upward extending left and right side panel has at least one bore disposed therein., Figure 3, clearly seen,
- wherein each downward extending left and right side panel is pivotably engaged with each respective upward extending left and right side panel with at least one fastener positioned in an operable relationship through each bore, Figures 2 and 3, clearly seen,
- wherein each upward extending left and right side panel of the bottom plate member is pivotably engaged with each respective downward extending left and right side panel of said top plate member with a fastener, Figures 2 and 3, clearly seen,
- wherein said fastener is selected from the group consisting of a screw; a wing nut; a snap lock; a bolt; a tongue and groove; a rivet; a hook; a post; a clip; a plug; an anchor; a peg; a binder; a catch; a clamp; a clasp; a dowel; a pin; and a cleat, Figure 13 discloses a pin.
- wherein said top plate member is adapted to rotate about said pivot axis between a first closed position facing and substantially parallel to said bottom plate member,

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Figure 2, element 50 in closed position, and a second open position substantially perpendicular to said bottom plate member, Figure 3, element 50 in substantially vertical position with reference to the bottom plate member.

Nelson et al. discloses a contact sensitive display screen, element 43 column 3, lines 17 – 18.

Nelson et al. fail to teach the claimed invention of use of a polymeric material for the keyboard cover.

Barnett discloses that the material of a keyboard cover may be made of a polymeric material, (Plexiglas), Column 2, lines 9 – 14.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a polymeric material for the keyboard cover. The motivation/suggestion to do so is given by the '763 patent, Column 2, lines 9 – 14, to use a transparent material and a material that is easy to form or bend to a plurality of shapes using one sheet of the material.

#### *Allowable Subject Matter*

6. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

A search of prior art did not cite a keyboard cover and copy holder wherein the fastener comprises a wing nut, washer and bolt, as claimed in the limitations of claim 8.

*Response to Arguments*

7. Applicant's arguments filed 16 December 2002 have been fully considered but they are not persuasive. Applicant's arguments with respect to claims 1, 2, 5, and 10 are not persuasive in respect to the prior art cited.

Nelson et al. discloses a touch sensitive screen which is analogous to a computer keyboard. The bottom plate member is the housing of the communication/processing unit.; the pivotal top member is capable of receiving printed material: Figure 3, element 50 shows that printed material may easily be held by the open member, element 50.

The argument that the left and right side panels (elements 51 and 52) are not pivotally attached to the top member is not persuasive. Figure 3 shows the top member in a rotated position with respect to the bottom member and the keyboard, Figures 6 and 7 show the top member assembly with flanges 121 and 123.

*Conclusion*

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,




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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Dudding whose telephone number is (703) 308-6082. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow Jr., AU 2853, can be reached at (703) 308-3126. The fax phone numbers for this Group are (703) 305-3432, (703) 305-3431, (703) 308-7382, (703) 308-7724, and (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 308-0956.

  
ANH T.N. VO  
PRIMARY EXAMINER  
2/21/03

Alfred Dudding

  
21 Feb 03